

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND	
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
and)
)
KATHY C. KOCH,)
)
Plaintiff-Intervenor,)
)
v.)
)
LA WEIGHT LOSS,)
)
Defendant.)

MOTION "DENIED" THIS 23rd DAY OF May, 2004.

Case No. WDQ-02-CV-648

WILLIAM E. QUALL JR.
UNITED STATES DISTRICT JUDGE

MOTION TO STRIKE EXHIBITS

For the reasons set forth below, Plaintiff U.S. Equal Employment Opportunity Commission ("EEOC") moves that the Court strike the following exhibits attached to Defendant LA Weight

Proposed Scheduling Order Filed by EEOC on April 12, 2004

Affidavit of Karen Siegel

The Affidavit of Karen Siegel, attached as Exhibit D to Defendant's memorandum objecting to the proposed scheduling order in this case, relies upon information that Defendant has refused to disclose to EEOC in response to discovery requests and has denied is within its possession, custody or control. A party that without substantial justification fails to disclose discoverable information may not use such information as evidence on a motion. See Fed. R. Civ. P. 37(c)(1). Defendant should not be permitted to deny EEOC access to discoverable material and then rely on that same